

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**DECLARATION OF MILES EHRLICH
IN SUPPORT OF PLAINTIFF
WAYMO'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
PORTIONS OF ITS MOTION FOR
CONTINUANCE OF TRIAL DATE**

Document	Portion to Be Filed Under Seal	Designating Party
Waymo's Reply in Support of Motion for Continuance of Trial Date ("Waymo's Motion")	Highlighted Portions	Anthony Levandowski
Exhibit 1 to Waymo's Motion	Entire Document	Anthony Levandowski
Exhibit 2 to Waymo's Motion	Entire document	Anthony Levandowski
Exhibit 4 to Waymo's Motion	Entire document	Anthony Levandowski
Exhibit 6 to Waymo's Motion	Entire document	Anthony Levandowski
Exhibit 13 to Waymo's Motion	Entire document	Anthony Levandowski

3. The highlighted portions of Waymo's Motion primarily reflect the contents of the Stroz report, which Mr. Levandowski has asserted and continues to assert is protected from disclosure under his Fifth Amendment privilege against self-incrimination under *Fisher v. United States*, 425 U.S. 391 (1975), and *United States v. Sideman & Bancroft, LLP*, 704 F.3d 1197 (9th Cir. 2013), as well as by the common interest/joint defense, attorney-client and attorney work product privileges. See, e.g., Non-Party Anthony Levandowski's Motion for Protective Order, filed on September 19, 2017, Dkt. No. 1682. The highlighted portion of Waymo's Motion at footnote 3 on page 14 does not contain any reference to materials that Mr. Levandowski asserts are protected from disclosure and therefore does not merit sealing. Aside from footnote 3 on page 14, we ask that the confidentiality of the remaining highlighted portions of the brief be maintained until Mr. Levandowski's Motion for Protective Order is resolved.

4. Exhibits 1, 2, and 4 to Waymo's Motion constitute the Stroz report and certain exhibits thereto. For the reasons stated in paragraph three above, we ask that the confidentiality of these documents be maintained until Mr. Levandowski's Motion for Protective Order is

1 resolved.

2 5. Although Waymo has designated Exhibits 6 and 13 to Waymo's Motion as
3 confidential in their entirety, Mr. Levandowski does not assert that these materials merit sealing.

4 I declare under penalty of perjury under the laws of the State of California and the United
5 States of America that the foregoing is true and correct, and that this declaration was executed in
6 Berkeley, California, on September 20, 2017.

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8 Date: September 20, 2017

Respectfully submitted,

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10 /s/ Miles Ehrlich

Miles Ehrlich

Ramsey & Ehrlich LLP

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12 *Counsel for Non-Party Anthony*
13 *Levandowski*
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